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D.B. CIVIL SPECIAL APPEAL NO.200/2007.
[RAM KISHAN @ RAMA KISHAN VS. SARVAN @ SHRAWAN RAM & ANR.]
DATED : 09.03.2007

HON'BLE MR. RAJESH BALIA, J.
HON'BLE MR. CHATRA RAM JAT, J.

MrG.R.Punia for the appellant

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Heard learned counsel for the appellant.

We do not find any merit in this appeal. The petitioner has challenged the election of the respondent who was duly elected as Sarpanch. The election petition has been allowed and the election was set aside which was challenged by way of writ petition.

The writ petition had been admitted by learned Single Judge and while admitting the writ petition effect and operation of the order of Election Tribunal has been stayed and the duly elected Sarpanch has been allowed to continue during the pendency of the writ petition. The election of the respondent has not been set aside on the ground of any corrupt practice or any disqualification attached to him.

In these circumstances, we find that prima facie the order of the Election Tribunal has been found to be worth

examination by the learned Single Judge and during the pendency of the writ petition, the elected nominee of the people has been allowed to continue, it cannot be said that any injury much less any substantial injury has been caused to anyone or the public interest suffers.

The appeal is, therefore dismissed in limine.

[CHATRA RAM JAT]J. **[RAJESH BALIA], J.**

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